

## **GAMES, EXERCISES AND SIMULATIONS**

## **MOOT COURT EXERCISE – CASE OF TREASON THAT MAY INVOLVE ONLINE FORUMS**

**Andrei-Alexandru STOICA\***

### **Introduction**

The present exercise aims to portray a situation regarding the publication of sensitive information on the internet. The exercise outlines how members of the armed forces post on different forums, in our case a gaming forum, sensitive data regarding military gear, and the scope is that state authorities have to establish whether said posts can be legally classified as treason, either generally or a special form of said crime.

### **Format, roles and assignment**

The exercise will require at least five participants, that have studied and acquired basic knowledge of civil and criminal law, have a basic understanding of internet usage and culture and also have grasped notions regarding national security and its issues. Each participant will have a role to play in the exercise and each will have a different objective that must be attained, the final decision being open to interpretation based on the facts presented by the participants.

The participants will be able to have the following roles and aims:

1. Judge – who has to hear the parties, read and understand their claims and deliver a decision.

---

\* Assistant PhD, “Mihai Viteazul” National Intelligence Academy, email: stoica.andrei@animv.eu. Disclaimer: the material is a reflection of the authors’ opinions and beliefs, and does not represent the opinions, policies or the views of the Romanian Intelligence Service or the National Intelligence Academy “Mihai Viteazul”.

2. Prosecutor – who has to draft the indictment and present the grounds for bringing the case to trial.

3. Legal counsellor of the military agency (the victim) – who has to outline the institution's situation, contextualize the issue and present its conclusions.

4. Legal representative of the accused - The accused and his legal representative have to present its defence and prove that the objective and subjective elements of the alleged offence have not been met.

5. The representative of the legal person owning the gaming website where the leaks happened – who must offer technical support and present its story as a platform owner. This last role has been considered to be played as an expert opinion or that of a witness.

The case is constructed as being a situation in which all participants are allowed to present their opinions, claims and conclusions, all in a simulated case based on a fictional scenario, but based on real issues that have transpired between July 2021 and June 2025. The participants must abide to the legal procedures in front of a court and must present their claims, opinions, facts and evidence according to legal norms. The case is a fictional one, but will be conducted base on Law no. 135/2010 regarding the Criminal Procedure Code of Romania, in its updated version.

## **Background**

The case involves the situations that have been observed on the gaming website of the developer Gaijin Entertainment, known for the online free-to-play game *War Thunder*. The War Thunder forums have been known for the past few years as a place in which a lot of military documents have been posted by users who had access to these types of documents. A large part of the leaked documents are marked in such a way that they are not meant for public release and are restricted to authorized government personnel and contractors. The leaked documents have been noted to be from the United Kingdom, France, and People's Republic of China, the United States of America, the Russian Federation, Germany and Italy. While the information being mostly technical documents that comprise mechanical aspects of machines that are actively by the armies of different states, Gaijin Entertainment

took measures to ban users, albeit temporary, and to delete the sensitive information.

The participants to the simulation game must decide if the information in the exercise can be considered sensitive enough to be classified information or can be classified as an act of a lesser severity.

### **Structure of the case**

The case will be structured as it follows, but may be modified to suit the needs of the exercise, context and the level of legal knowledge of the participants.

#### **Directorate for Counter-Terrorism and Organized Crime, CASE NO. 999/P/2025, INDICTION**

**A. Information on the defendant:** Andrei Popescu, born on 1<sup>st</sup> of April 2000, living in Bucharest, Romania, Minotaurului Street, working as a software engineer at Red Rings of Power Inc., no criminal history.

#### **B. Context and facts of the case**

During March and throughout April 2025, the defendant Andrei Popescu, a user on the forum hosted by Taijiro Gaming, posted the following materials:

1. Technical manual of the T-99 Panther tank, an armoured vehicle currently in service with the Romanian Army. The material was marked "Confidential – restricted distribution" and was posted in threads dedicated to discussions about military vehicle performance within the game;
2. Experimental manual of the Vortex aircraft, under testing, marked "Cosmic Top Secret", containing information on the prototype aircraft not intended for public release.

**Taijiro Gaming** offered an official explanation regarding these posts:

- The forum is a public, moderated space, where users discuss mil-sims;
- There have been similar leaked documents before, but moderators removed sensible content in a quick manner;

- The company claims that the posts were for entertainment purposes and to outline technical prowess;
- The forum fosters discussions among enthusiasts regarding mil-sims and real-world technology;
- Forum culture often promotes competitive sharing of unusual or technical knowledge, with users trying to impress others by revealing “hidden” data;
- Similar incidents have happened before, with users posting technical manuals or performance data for discussion. The company has a process to remove sensitive content, but the forum supports technical debate and sharing within a hobbyist context.

**The cyber investigation showed** that only a few users downloaded the documents, and there is no proof they got into the hands of foreign agencies. However, the prosecutor considers that these actions should be considered as grounds for treason, claiming that data about the T-99 Panther can be considered as state secret and that the Vortex manual is a classified document.

Andrei Popescu explained that his main reason for sharing the T-99 Panther manual was to boast within the online community. In gaming forums like Taijiro Gaming, users often display knowledge about military equipment to gain status, reputation, and recognition from others. Popescu insists he did not have the intention share state secrets with a foreign power. His goal was to show off his knowledge of technology, not to cause a security incident. Regarding the T-99 Panther documents, he stresses that these manuals are not part of the typical classification system for sensitive documents. Unlike standard state secrets, similar documents about other military vehicles are easily accessible online in forums, research archives, or unclassified repositories. He points out that even though the T-99 Panther manual was labelled “Confidential – restricted distribution,” the information itself is available from other non-classified sources.

He believed that sharing it on a gaming forum did not meet the requirements to be labelled as a criminal act. Though technical manuals for military vehicles like the T-99 Panther can be found in various open sources, none have the specific label “Confidential – restricted

distribution” that this case involved. Popescu claims that his post did not give any strategic advantage to foreign powers; instead, it mainly sparked discussions on the forum and served as a way to display status.

The Vortex manual, in contrast, contains highly sensitive data and is under experimental classification. Popescu claims he was unaware of the extreme secrecy of the Vortex manual, believing it was a technical draft shared by mistake. The prosecution considers this as potentially more serious, but Popescu emphasizes that he had no intent to aid a foreign power, aligning with the pattern of recreational or accidental disclosure rather than espionage.

The prosecutor argues that the T-99 Panther manual was marked “Confidential – restricted distribution”, and the Vortex manual was marked “Cosmic Top Secret”. According to the law, sharing any classified information with a potential audience that includes foreign users can constitute the transmission of state secrets, regardless of the intent, if there is a risk of access by foreign powers.

The prosecutor emphasizes that intentional or not, the act created a situation where foreign powers could obtain sensitive military information, which aligns with the statutory description of treason. The defendant saw that the T-99 Panther manual was marked “Confidential – restricted distribution” and the Vortex manual as “Cosmic Top Secret”, indicating awareness that the information had some level of state protection. This could be interpreted as reckless or negligent transmission of sensitive materials, supporting the prosecutor’s case for treason.

The prosecutor argues that both manuals contain technical details about military systems, including operational capabilities, vulnerabilities, or experimental designs. In the prosecutor’s view, even if Popescu’s intent was to brag or impress forum members, the risk to national defence is significant, which aligns with the underlying purpose of article of the Penal Code that sanctions treason.

### **Types of documents that can be used as evidence**

The evidence presented here is not exhaustive and represents fictional materials designed for the current exercise. The evidence can be expanded based on the intent of the participants and the duration of the case.

*Computer Search Report* – conducted by the cybercrime unit at the home of Andrei Popa. On 12.05.2025, a judicial search took place at the defendant's residence in Bucharest. The search was authorized by a warrant from the Bucharest Court of Appeal. During the search, the following items were seized: Dell laptop model XPS 15; External HDD - Seagate; USB flash drives: two units, 32GB each, Kingston; Printed documents representing copies of the T-99 Panther and Vortex manuals.

The laptop had several versions of the T-99 Panther manual, including one marked "Confidential, restricted distribution." The external hard drive contained a folder named "Military Manuals," which held the Vortex manual marked "Cosmic Top Secret." The USB flash drives had copies of both manuals, showing the defendant's intent to distribute the documents.

*IT forensic report* – an in-depth forensic analysis was done on the seized electronic devices. The analysis showed that multiple copies of the T-99 Panther manual were found on the laptop and external hard drive. Metadata indicates that the files were accessed and modified on 10.05.2025.

The Vortex Manual was located on the external hard drive, with metadata showing it was last accessed on 11.05.2025. The defendant's user account on the Taijiro Gaming forum was linked to the IP addresses tied to uploads of the sensitive manuals. The following forum logs were retrieved: - User Account: AndreiP - IP Addresses: 192.168.1.101 (Bucharest), 192.168.1.102 (Bucharest) - Posts: 10.05.2025: Uploaded T-99 Panther manual (Confidential) and 11.05.2025: Uploaded Vortex manual (Cosmic Top Secret) the logs confirm that the defendant's account was used to upload the sensitive manuals. This suggests unauthorized distribution of classified information. The T-99 Panther manual contains detailed specifications, operational procedures, and maintenance protocols for the tank. The Vortex manual includes classified information on experimental aircraft systems, flight dynamics, and weaponry.

*Taijiro Gaming provided the following reports:*

- Incident reports: previous instances of users uploading sensitive military documents, leading to temporary bans and content removal.

- Moderation logs: actions taken to remove unauthorized content and warn users about the consequences of posting classified materials.

*Statements during hearings (examples):*

- Defendant's Statement: "I uploaded the manuals to the forum to impress my peers. I didn't think it was a big deal. I didn't intend to harm national security."
- Witness Paul Ionescu, known on the forum as TBagGamerXXX0007: "I have known Andrei for years. He often brags about his knowledge of military technology. I believe he shared the manuals to gain respect in the community." The witness is a childhood friend of the defendant, who casually plays online games with him.

### **Requirements and questions of the case**

The exercise is projected to last approximately one hour and the participants must decide if the information leaked can be considered sensitive enough to be classified as treason case or an act of a lesser severity.

The participants must address the following issues regarding the case:

1. Did Andrei Popescu have the intent to transmit classified information to a foreign power, or was his motivation limited to forum bragging and status-seeking?
2. Considering that the materials were posted on a public gaming forum, does the potential accessibility of the manuals to foreign users constitute automatic transmission of state secrets, or is intent and actual harm required to establish treason?
3. The T-99 Panther manual was marked "Confidential – restricted distribution", while the Vortex manual was "Cosmic Top Secret". How does the difference in classification levels influence the legal assessment of Andrei Popescu's actions?
4. What role, if any, should Taijiro Gaming play in the case? Can the platform's previous incidents, moderation policies, and official statements about user-posted content affect the court's assessment of Andrei Popescu's responsibility?



## References<sup>1</sup>:

1. Bodoroncea, Georgiana, Valerian Cioclei et al. (2020). *Codul penal. Comentariu pe articole [Criminal Code. Commentary on articles]*, 3rd Edition, CH Beck.
2. Bomboy, Scott. (01.09.2023). *Aaron Burr's trial and the Constitution's treason clause*, National Constitution Centre.
3. *Cameron John Wagenius indictment*, (15.05.2025).  
<https://www.justice.gov/opa/pr/former-us-soldier-pleads-guilty-hacking-and-extortion-scheme-involving-telecommunications>.
4. Criminal Code of Romania – Law no. 286/2009, the updated version.
5. Criminal Procedural Code of Romania – Law no. 135/2010, the updated version.
6. Crane, Paul T. (n.d.). *Does the treason clause still matter? (Yes)*, Interpretation & Debate, National Constitutional Centre.  
<https://constitutioncenter.org/the-constitution/articles/article-iii/clauses/39#does-the-treason-clause-still-matter>.
7. Dobrinoiu, Vasile, Pascu, Ilie, Hotca, Mihai Adrian et al. (2016). *Noul cod penal comentat. Partea specială [The new penal code commented on. The special part]*, 3rd Edition, Bucharest: Legal Univers.
8. European Court of Human Rights, *Danilov v. Russia*, case no. 88/05, (01.12.2020). <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-206264%22%5D%7D>
9. European Court of Human Rights, *Nikitin v. Russia*, case no. 50178/99, (20.07.2004). <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-61928%22%5D%7D>
10. Gadahn, Adam (Azzam al-Amriki) indictment, NSD (202) 514-2007. [https://www.justice.gov/archive/opa/pr/2006/October/06\\_nsd\\_695.html](https://www.justice.gov/archive/opa/pr/2006/October/06_nsd_695.html)
11. Korbein Schultz indictment, (23.04.2025). <https://www.justice.gov/opa/pr/former-us-army-intelligence-analyst-sentenced-selling-sensitive-military-information>.

---

<sup>1</sup> The exercise has been influenced by general events that have happened in democratic states. The exercise requires participants to understand, at a minimum, law enforcement legislation, cybersecurity provisions and human rights. In this regard, the author proposes the mentioned reading materials.

12. Larson, Carlton F.W. (2006). "The forgotten constitutional law of treason and the enemy combatant problem," *University of Pennsylvania Law Review*, Vol. 154, pp. 863-926;

13. Supreme Court of the United States of America, *case no. 325 U.S. 1 (1945)*, 23.04.1945 decision, Cramer v. U.S.

14. Supreme Court of the United States of America no. 343 U.S. 717, (2.06.1952), *Kawakita v. U.S.*

15. *War Thunder's History of Classified Document Leaks*. <https://blog.acer.com/en/discussion/3318/war-thunders-history-of-classified-document-leaks>.